

February 4, 2004

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

**Re: Ex Parte Comments. In the Matter of Vonage Petition for Declaratory Ruling  
(WC Docket No. 03-211)**

Dear Chairman Powell:

In advance of the Commission's imminent proceeding on Voice over Internet Protocol (VOIP), the Alliance for Public Technology (APT) submits the attached letter that was sent to the House Subcommittee on Telecommunications and the Internet on January 30<sup>th</sup>.

As the letter indicates, APT and the other signers believe VOIP and other emerging technologies offer exciting new possibilities in expanding the way Americans communicate, but only if *all* Americans have affordable, quality access to them.

We share the excitement that the potential of new technologies like VOIP generates. We are concerned, however, that the excitement of some industry members is less about deployment of the new technology and more about avoiding paying their fair share of access costs and other fees.

The new regulatory framework should not favor any one platform. All VOIP-based service providers should be subject to the same rules based on the how they offer the service and its connection to the public network. In addition, and most importantly, all voice service providers, regardless of the technology used, should meet important social obligations. These include obligations for universal service support, support of telecommunications relay services (TRS), access for people with disabilities, intercarrier compensation, public safety obligations such as E911, privacy protections, advance notice of termination of service, and other consumer protections. Regulators must ensure that all providers of voice telephony, regardless of the technology or functionality employed, contribute in an equitable manner to these goals.

As the Commission formulates its position on VOIP, APT urges you to incorporate these social obligations and public interest goals into the proceedings and subsequent regulatory frameworks.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Bennett", is written over a light green rectangular background.

Matthew Bennett  
Policy Director  
Alliance for Public Technology

Cc: Commissioner Kathleen Abernathy  
Commissioner Jonathan Adelstein  
Commissioner Michael Copps  
Commissioner Kevin Martin

January 30, 2004

The Honorable Fred Upton  
Chairman  
House Subcommittee on Telecommunications and the Internet  
2161 Rayburn House Office Building  
Washington, DC 20515

The Honorable Edward Markey  
Ranking Member  
House Subcommittee on Telecommunications and the Internet  
2108 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Upton and Representative Markey:

As the Subcommittee prepares to consider the critical issue of Voice over Internet Protocol (VOIP), the undersigned organizations urge you to ensure that the social obligations of universal service, disability access, and public safety continue to be the hallmark of our nation's telecommunications policy. VOIP and other emerging technologies offer exciting new possibilities in expanding the way Americans communicate, but only if *all* Americans have affordable, quality access to them.

Providers of voice telephony have been traditionally required to meet public interest obligations. As a policy framework is developed for VOIP and other emerging technologies, the following must continue to be the centerpiece of telecommunications policy:

- **Universal service** – As a service that is functionally equivalent to plain old telephone service, VOIP providers must contribute to the universal service fund to ensure affordable access to telecommunications services for all Americans. The public switched network remains the backbone of this country's communications system and VOIP providers must contribute to the maintenance of the network through intercarrier compensation.
- **Access for people with disabilities** – Section 255 of the Telecommunications Act mandates that telecommunications services are accessible and usable for people with disabilities. These provisions must apply equally to VOIP carriers. VOIP providers must contribute to the telecommunications relay service (TRS) fund to ensure accessible telecommunications service for people with hearing and speech disabilities.

- **Public safety requirements** – Communications providers, regardless of technology, must provide E911 service to customers.
- **Consumer protections** – All providers of voice telephony must provide basic consumer protections, including privacy, advanced notification of termination of service, and other obligations.

As telecommunications evolves in the broadband world, we urge your support for public policies that ensure that all Americans reap the benefits from these new technologies by protecting programs that ensure universal service, access for people with disabilities, public safety, and other consumer protections. We look forward to working with you in support of these public policies that protect public interest obligations in a broadband environment.

Sincerely,

Alliance for Public Technology  
 Alliance for Technology Access  
 American Association of Law Libraries  
 American Association of People With Disabilities  
 Communications Workers of America  
 Community Action Partnership  
 Department of Professional Employees, AFL-CIO  
 Independent Living Network  
 MAAC Project  
 National Consumers League  
 National Hispanic Council on Aging  
 Telecommunications for the Deaf, Inc.  
 Telecommunications Research and Action Center

Cc: Members of the House Subcommittee on Telecommunications and the Internet